

**MILLSTONE TOWNSHIP
BOARD OF ADJUSTMENT
MEETING MINUTES
JUNE 22, 2016**

The Meeting was called to Order by Chairman Novellino at 7:32 p.m.

Reading of Adequate Notice by Vice-Chairman Barthelmes.

Salute to the Flag and observance of a moment of silence for the troops.

Roll Call: Present - Barthelmes, Lambros, Morelli, Novellino, Bailey, Conoscenti and Ferro.
Absent Mostyn and Frost.

APPROVAL OF MINUTES: May 25, 2016

The Board tabled the approval of the May 25, 2016 Meeting Minutes until the July 27, 2016 Meeting.

RESOLUTION:

Z16-04 - ALMEIDA, JOHN AND LORI - Block 47, Lot 11 located at 12 Lebers Lane. Property consists of 2.44 acres in the R-130 Zoning District. Applicant sought to construct a 900 s.f. shed on the property. Variance needed for lot coverage where 20% maximum is permitted, applicant has 23% coverage presently. Applicant sought relief from constructed basketball court that encroaches into the side yard setback. Deemed Complete: 4-18-16. Date of Action: 8-25-16. Noticing Required. Application approved with conditions.

The Board having reviewed the Resolution, Mr. Morelli made a Motion to memorialize and Vice-Chairman Barthelmes offered a Second. Roll Call Vote: Morelli, Barthelmes, Bailey, Lambros, Conoscenti, Ferro and Novellino voted yes to memorialize.

CARRIED APPLICATION:

Z15-12 - STAVOLA ASPHALT CO. - Block 18, Lots 3,4,5&5.01 located at Bergens Mill Road & Old Route 33. The property consists of 29.99 acres in the PCD Zoning District. Applicant seeks Use Variance (D1) approval to modify the operational hours of the facility. Deemed Complete 12-15-15. Applicant has granted a Date of Action through April 30, 2016. Heard in part on 2-24-16 and 4-27-16; Carried to 6-22-16 without need for further noticing Extension on Date of Action granted through 6-30-16.

Attorney Vella advised the Board that on June 20, 2016, the Board received an emailed letter from Stavola Asphalt Company setting forth certain issues. He stated that more importantly, the applicant did not want to proceed with the application before the Board and wished to withdraw their application. Attorney Vella advised that the Board still must take action.

Attorney Vella read the prepared Resolution into the record. He advised that the Board makes no finding of fact, they are just dismissing the application without prejudice.

Mr. Lambros made a Motion to memorialize the Resolution and Mr. Ferro offered a Second. Roll Call Vote: Lambros, Ferro, Barthelmes, Morelli, Bailey, Conoscenti and Novellino memorialized the Resolution.

Z15-09 MERKIN, MICHAEL AND BARBARA - Block 37.01, Lot 1.02. Located at 43 Bittner Road consisting of 1.64 acres in the R-80 Zoning district. Applicant received approval from the Construction Department to construct a 3- car attached garage addition. Applicant did not attach the garage to principal building, creating three variances for accessory structure in front yard setback, minimum separation from accessory structure to principal building 10-foot variance needed, accessory height 21.5 feet where 16 foot is maximum. Deemed complete 11-12-15. Date of Action: 3-11-16. Heard in part on 2-24-16. Noticing Required.

Due to a conflict, Board Member Conoscenti steps down and leaves the building.

Attorney Vella advised that he is in receipt of the noticing packet, finds same in order and accepts jurisdiction over the application.

Attorney Vella read the following exhibits into the record:

A-9	Noticing Packet
A-10	Web Notice
A-11	Architecturals prepared by Perez & Radosti Assoc. dated 11-18-13; last rev. 4-18-16

Attorney James Mitchell representing the applicant. Mr. Mitchell recapped the application presented at a prior meeting setting forth three variances the applicant is seeking relief.

Mr. Mitchell explained how they came to be before the Board. The new garage was to be attached to the home as per the approved plans. The garage was constructed lower than the existing home. Mr. Mitchell wished to show the Board what the approved plan would look like.

Attorney Vella swore in Ricardo Perez the applicant's architect. Mr. Perez presented that he graduated from NJIT School of Architecture and has been licensed since 1991. He is the principal of Perez & Radosti.

Chairman Novellino stated that the Board accepts him as a professional licensed architect.

Entered into evidence is Exhibit A-12 - Hand-Out with Four Renderings of Original and Modified Design. Mr. Perez stated the first diagram explains what the initial approved design would be. He explained that it did not work out due to contractor error. Mr. Perez stated that his firm did prepare the original plan but the contractor did not build the garage to those plan specifications. Mr. Perez added that he was not sure why the contractor constructed the garage a few inches shorter than the existing home.

Mr. Perez offered that the solution is on second page of the Exhibit A-12 handout. He explained that it was the same design with the roof cuts differing.

The applicant is proposing the construction of an archway between the two buildings. Mr. Perez stated that cannot see the separation of the two buildings from the road and he added that only people that are on the property or potentially neighbors from behind would be able to see this.

Mr. Perez stated that the arch there would be a custom made ornate gate that is five (5) feet wide from building to building.

Mr. Barthelmes asked the professionals why the applicant is before the Board Planner Fred Heyer stated that it is because the principal building and the accessory structure are not attached. Mr. Heyer read allowed the ordinance section 4.9-1 "Attached Accessory Buildings".

Engineer Matt Shafai offered that he is fine with the archway since the two buildings match. He stated that the two buildings are so close that the separation is not seen if you drive by the property.

Mr. Lambros advised that he has driven by the property often. He stated that the property is nicely landscaped. He stated that as you driveby it does appear as if the buildings were connected.

Board Engineer Shafai stated that the detached garage is fifty-five (55) feet from the roadway and meets the setback, although the principal home is 73 feet.

At 7:58 p.m., Chairman Novellino opened the application to the public. Seeing no public comment, he closed that portion of the meeting at 7:58.

The applicant summarized stating that they request the Board's approval of most recent set of plans with the archway with decorative iron fence to tie the two buildings together.

The Board discussed the application.

Chairman Novellino agrees with Mr. Lambros' assessment stating that this is a unique scenario due to a construction error, something differenthas to be done rather than what was initially approved. He stated that the building is very close to the existing home, which makes it look as if it belongs. The proposed archway will give it that look.

Mr. Morelli stated that we are trying to correct a mistake and felt that the proposed resolution was a good solution.

Mr. Perez added that the gate hinges mounted into the brick.

Mr. Ferro asked if the gate is necessary to fill the requirement.

Engineer Shafai stated this it is not. Planner Heyer stated that the gate hasaesthetical value because it makes the buildings look as if they were connected.

Attorney Vella read the conditions of approval as follows: the garage shall have no commercial use. The applicant shall build the connection consistent with Exhibit A-11 with the gate.

Mr. Ferro made a Motion to approve the application as conditioned and Mr. Lambros offered a Second: Roll Call Vote: Ferro, Lambros, Barthelmes, Morelli, Bailey and Novellino vote yes to approve the application.

Seeing no new or old business, Chairman Novellino asked for a Motion and Second to adjourn. Mr. Morelli offered a Motion and Vice-Chairman Barthelmes offered a Second and by unanimous vote, the meeting adjourned at 8:05 p.m.

Respectfully submitted,

Pamela D'Andrea